Secl. H.-27—100,000—22-5-48.

Development (1948) Department.

SERIES.

G.O. No. 182

Dated 7-1-1949

[Despatch Abstract]

Industries - Coal - Inclusion of "coke" under the Essential Supplies (Temporary Powers) Act, 1946 - Proposal of the Government of India - Papers Recorded.

GOVERNMENT OF MADRAS.
Abstract.

T E L E G R A M.

STATE/IMPORTANT.

DEVMENT
MADRAS

18- CI (2) / 48 (.) CONTROL OVER COAL AND COKE ¢.). A BOMBAY COURT HAS HELD THAT COKE IS NOT INCLUD IN THE TERM COAL... AS OCCURRING IN ESSENTIAL SUPPLIES (TEMPORARY POWERS) ACT 1946 (.) CENTRAL GOVERNMENT'S COLLIERY CONTROL ORDER 1945 IN WHICH COAL . HAS BEEN DEFINED TO INCLUDE COKE DERIVES AUTHORITY AND CONTINUES TO BE INFORCE UNDER AFORESAID ACT (.) BOMBAY COURT'S RULING HAS CREATED ANAMOLOUS POSITION AND MAY RENDER EXISTING CONTROL OVER COKE DIFFICULT (.) TO REMOVE ANAMOLY AND DIFFICULTY LATER THE QUESTION OF AMENDING INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) ACT 1946 AND ESSENTIAL SUPPLIES (TEMPORARY POWERS) ACT 1946 SO AS TO SPECIFICALLY INCLUDE. COKE . IN THE DEFINITION OF COAL IS UNDER CONSIDERATION (.) ~~AS CONTROL OVER PRODUCTION OF. COAL IS UNDER CONSIDERATION (.)~~ AS CONTROL OVER PRODUCTION DISTRIBUTION AND MARKETING OF COAL AND COKE . IS IN FACT BEING EXERCISED BY CENTRE, PURPOSE OF THE PROPOSED AMENDMENT IS ONLY TO RECTIFY LEGAL LACUNA NOW BROUGHT TO OUR NOTICE (.) CENTRAL GOVERNMENT TRUST THAT PROVINCIAL GOVERNMENT

WILL AGREE TO AMENDING LEGISLATION BEING PROMOTED DURING ENSUING SESSION OF CONSTITUENT ASSEMBLY (.) SHALL BE GRATEFUL FOR YOUR CONCURRENCE BY TELEGRAM.

SUPLIND.

*** ---oOo--- ***

(P.R. DASGUPTA).
Deputy Secretary to the Government of India,
Ministry of Industry and Supply.
New Delhi, the 4th January 1949.

Copy forwarded by post in confirmation to the Secretary to the Government of Madras, Development Department, Madras.

Sd. M.R. MENON.
for Assistant Secretary to the Government of India-

/True Copy/

Development Department.

Coal - Inclusion of the term "Coke" under the Essential Supplies (Temporary Powers) Act, 1946 - Legislation by the Government of India - Proposal.

Ref: From the Government of India, Ministry of Industry and Supply Telegram No.18/ci/(2)/48 dated 4-1-49.

TO A.S.

Please see the telegram from the Government of India, extracted at p. 1 (H).

2. Under clause 2 of the Colliery Control Order, 1945, the term "coal" was defined to include "coke" also. By their telegram at pp-1&2 c.f. , the Government of India has reported that a Bombay Court had held the view that "coke", is not included in the term "coal" as occurring in the Essential Supplies (Temporary Powers) Act, 1946 and that the ruling has created an anomolous position by rendering the existing control over coke difficult. In order to remove the anamoly and the difficulty in enforcing control over coke, The Government of India are considering to amend the Essential Supplies (Temporary Powers) Act, 1946 for the purpose and have asked for the concurrence of this Government by telegram. It is for orders whether this Department may agree. Subject to orders, a draft reply is submitted for approval.

3. The case may be circulated to Hon'ble Minister (Industrues).

Sd. x x x
6-1-49.

/True Copy/

TO A.S.

The telegram on p. 1/ c-f- has been issued. The papers may now be recorded.

G.O.Ms.132, Development, dated 7-1-49.

Industries - Coal - Inclusion of "Coke" under the Essential Supplies (Temporary Powers) Act, 1946 - Proposal of the Government of India - Papers Recorded.

Sd. x x x
7-1-1949.

/True Copy,

Office Assistant,
MADRAS RECORD OFFICE.

rds/12-10.

14/10.